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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,955	12/07/2001	Abbas Arian	1391-27000	3449
23505	7590	12/23/2003		EXAMINER
CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267				HSIEH, SHIH YUNG
			ART UNIT	PAPER NUMBER
			2837	

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/007,955	ARIAN ET AL.	
	Examiner Shih-yung Hsieh	Art Unit 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 November 2003.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-15, 17, 19, 25 and 26 is/are allowed.
- 6) Claim(s) 16, 18 and 20-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) Paper No(s). <u>12/12/2003</u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____  |

1. Upon reconsideration, the finality of the office action of 8/7/2003 is hereby withdrawn and replaced by the following office action.
2. Claim 20 is objected to because of the following informalities: "said mass" lacks antecedent basis and is not recited in claim 16. Appropriate correction is required.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
4. Claims 16, 18, 20 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Blake (3,770,232).

Regarding claim 16, Blake discloses an apparatus comprising: a plurality of springs (56, 34) connected in series to form an elongated body (Figure); and a plurality of housings (66, 68) corresponding in number to and disposed about said springs; wherein said housing limits the axial deflection of said springs (Figure).

Regarding claim 18, Blake discloses a plurality of rod members (14, 50) axially interconnected between two springs (56, 34).

Regarding claim 20, Blake discloses said mass (24, the ring is interpreted as mass) is separated from said rod members by a layer of attenuating material (20).

Regarding claim 23, Blake discloses a circumferential gap of between 0.010 and 0.100 inches being maintained between the outside surface of said spring and the inside surface of said housing (Figure).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blake in view of Shah et al. (6,137,747).

Regarding claim 21, Blake discloses the claimed invention except that the springs are coated with a layer of resilient material.

Shah et al. teach coating a support sleeve surface of an acoustic transmitter with a layer of resilient material (col. 5, lines 51-55) for preserving free axial movement. It would have been obvious to one having ordinary skill in the art to modify Blake's apparatus as taught by Shah et al. to include coating the springs with a layer of resilient material for the purpose of preserving free axial movement.

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blake in view of Phelps, Jr. et al. (4,062,422).

Regarding claim 24, Blake discloses the claimed invention except that the outside surface of said housings are coated with an attenuating material.

Phelps, Jr. et al. teaches an outside surface of a housing (16) is coated with an attenuating material (26, col. 1, line 50, and col. 2, line 17) for reducing acoustic noise and vibrations (col. 1, lines 13-14). It would have been obvious to one having ordinary skill in the art to modify Blake's apparatus as taught by Phelps, Jr. et al. to include the outside surface of said housings being coated with an attenuating material for the purpose of reducing acoustic noise and vibrations.

8. Claims 1-15, 17, 19, 25, and 26 are allowed.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shih-yung Hsieh whose telephone number is 703-308-1031. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi can be reached on 703-308-3370. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

  
SHIH-YUNG HSIEH  
PRIMARY EXAMINER